

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
SENTENCING MINUTE SHEET
BEFORE THE HONORABLE JUDITH C. HERRERA

CR No:	18-3495 JCH	USA vs.	Smith
Date:	9/15/22	Defendant:	Douglas Smith
Time In/Out:	9:30 – 11:30		Total Time in Court: 2 hours
Clerk:	E. Romero		Court Reporter: Paul Baca
AUSA:	Novaline Wilson		Defendant's Counsel: Aric Elsenheimer
Sentencing in:	Albuquerque		Probation Officer:
Interpreter:	n/a		Interpreter Sworn? <input type="checkbox"/> Choose an item.
Convicted on:	Verdict		As to: Indictment Counts:
Guilty Plea:			Plea Agreement:
Date of Plea/Verdict:	6/18/21	PSR: Disputed	<input checked="" type="checkbox"/> Courts adopts PSR Findings Evidentiary Hrg: Not Needed
Exceptions to PSR:			

SENTENCE IMPOSED

IMPRISONMENT (BOP):			
<input type="checkbox"/>	500-Hour Drug Program	<input type="checkbox"/>	BOP sex-offender treatment program Other:
SUPERVISED RELEASE:			<input type="checkbox"/> Mandatory/Standard Conditions

SPECIAL CONDITIONS OF SUPERVISION

<input type="checkbox"/>	Participate in/successfully complete outpatient substance abuse treatment program & grant waiver of confidentiality	<input type="checkbox"/>	Submit to substance abuse testing; Testing not to exceed 60 tests per year
<input type="checkbox"/>	Submit to search of person/property	<input type="checkbox"/>	Refrain from use/possession of alcohol/intoxicants; Testing not to exceed 4 per day
<input type="checkbox"/>	Not knowingly purchase, possess, distribute, administer, use any psychoactive substances	<input type="checkbox"/>	Must not possess, sell, offer for sale, etc. any drug paraphernalia
<input type="checkbox"/>	Participate in/successfully complete mental health program & grant waiver of confidentiality	<input type="checkbox"/>	Must take all mental health medications as prescribed

MONETARY PENALTIES / FORFEITURES

Fine: \$	-0-	Restitution: \$	-0-	SPA: \$	Due Immediately
Forfeit rights title & interest to:					

OTHER

<input type="checkbox"/>	Waived Appeal Rights per Plea Agreement	<input checked="" type="checkbox"/>	Continue on Release
<input type="checkbox"/>	Recommended place(s) of incarceration:		
<input type="checkbox"/>	Dismissed Counts:		

PROCEEDINGS

Court in session – parties state appearances; Parties do not intend to call witnesses; Mr. Elsenheimer addresses Court re: objections; Ms. Wilson responds; Mr. Elsenheimer rebuttal; Court finds BOL was properly calculated in PSR – Overruled; Court overrules objection as to acceptance of responsibility; Court directs parties prepare a new offense conduct statement before judgment is entered; Mr. Elsenheimer responds; Ms. Wilson addresses Court re: objection; Mr. Elsenheimer responds; Ms. Wilson rebuttal; Court overrules government's objection re: obstruction enhancement; Court outlines records reviewed for sentencing; Victim's sister - Melanie Montoya addresses Court; Victim's daughter - Santana Herrera addresses Court; Mr. Elsenheimer addresses Court for sentencing and requests probation; Defendant addresses Court; Ms. Wilson addresses Court for sentencing and requests a 60 month sentence; Mr. Elsenheimer rebuttal; Court addresses defendant and outlines proposed sentence; Mr. Elsenheimer responds and again requests a variance due to defendant's age; Ms. Wilson responds; Court is prepared to proceed; Mr. Elsenheimer requests additional time for briefing 3553 factors; Court will grant additional time; Ms. Wilson objects; Briefing due in 21 days; Hearing continued.